

1 point out with respect to the affidavit of Mr. Dan
2 Ball, that in the body of it talks about "In 1985 under
3 the management of Robert Taylor I know that WVSI-FM
4 broadcast announcements supporting and promoting our
5 local theater, the Jupiter Theater." Now, my review
6 didn't indicate that there were any PSA's cited in the
7 exhibits, prior exhibits, for Jupiter Theater. I just
8 point that out.

9 JUDGE MILLER: Okay. Yeah. Let me ask a
10 question of you, Mr. Carr.

11 MR. CARR: Yes, Your Honor.

12 JUDGE MILLER: J-A-I-M-E Garza.

13 MR. CARR: Yes, Your Honor.

14 JUDGE MILLER: That name is real familiar to
15 me, isn't it?

16 MR. CARR: That is correct, Your Honor.

17 JUDGE MILLER: That is the fellow that is
18 broadcasting now?

19 MR. CARR: That is correct.

20 JUDGE MILLER: Over the station.

21 MR. CARR: That is correct.

22 JUDGE MILLER: Okay.

23 MR. GOLDSTEIN: Just one, I would like to
24 strike one portion of Mr. Ball's exhibit, and that is
25 the last sentence in the paragraph, first paragraph. I

1 don't see how that is probative under any aspect of the
2 issue.

3 JUDGE MILLER: Mr. Carr.

4 MR. CARR: I have no objection, Your Honor.
5 If you want to strike "On one occasion in 1985, he and
6 I, along with our dates, attended a play together at
7 the Jupiter Theater," if you would like to strike that,
8 Your Honor, I have no objection.

9 JUDGE MILLER: You want to strike part of the
10 sentence, starting with the word --

11 MR. GOLDSTEIN: And. "And on one occasion in
12 1985," Your Honor, I would just -- if you would like to
13 strike that, I have no objection.

14 JUDGE MILLER: All right. If I put a period
15 after "Taylor and I also personally supported the
16 theater."

17 MR. GOLDSTEIN: Period.

18 JUDGE MILLER: Put a period.

19 MR. GOLDSTEIN: I think that would be, that
20 sentence will be an appropriate subject for cross-
21 examination as to what they meant by support.

22 JUDGE MILLER: All right. I'll strike,
23 starting with the third line from the bottom on page 1
24 of Exhibit -- not page 1, page 2, the Dan Ball
25 affidavit, I'll strike the words "and one occasion in

1 1985, he and I, along with our dates, attended a play
2 together at the Jupiter Theater." I'll strike it.

3 I personally think that I am doing you a
4 favor Mr. Carr, because had I left it in, I think it
5 would be that they did not attend any personally in
6 '86, '87, '88, '89, '90. But that's the way people
7 want it, that's the way it will be.

8 With that, is there anything further, Mr.
9 Goldstein?

10 MR. GOLDSTEIN: No.

11 JUDGE MILLER: This goes back to that I had
12 to assume you were putting your best foot forward, you
13 see.

14 MR. GOLDSTEIN: I would just repeat though,
15 with respect, for example, to Garza, the lack of
16 specificity strikes out at you.

17 JUDGE MILLER: Right.

18 MR. GOLDSTEIN: And then also, I will note
19 now or later, that in the affidavit of Dino Cagney,
20 they talk about a program called "Here's to Your
21 Health," and later on there is a description of a
22 program which is broadcast, described at the same time,
23 called "Good Health to You," and I believe it is
24 probably one and the same program. But there is a
25 disparity between the name of this program.

1 MR. CARR: It is one and the same program,
2 just the title is not the same.

3 JUDGE MILLER: All right.

4 MR. GOLDSTEIN: That will come up later on.

5 JUDGE MILLER: With those objections and
6 comments, Taylor Exhibit No. 6 is received.

7 (The document referred to,
8 having been previously marked
9 for identification as Taylor
10 Exhibit No. 6, was received in
11 evidence.)

12 MR. CARR: Your Honor, I would like to have
13 marked for identification Robert B. Taylor Exhibit No.
14 7. It is entitled "Ascertainment Efforts of Jupiter
15 AM-FM Stations During the Period October 1984 through
16 March 1987." It consists of three pages and an
17 attached declaration. That declaration has now been
18 revised, Your Honor.

19 JUDGE MILLER: All right. Those four pages,
20 the three pages with the revised declaration, will be
21 marked for identification as Robert B. Taylor Exhibit
22 7, and it bears a caption on the first page,
23 "Ascertainment Efforts in Jupiter AM-FM Stations During
24 the Period October 1984 through March 1987."

25

1 (The document referred to was
2 marked for identification as
3 Taylor Exhibit No. 7.)

4 JUDGE MILLER: Objections, Mr. Belisle?

5 MR. BELISLE: Yes, Your Honor. If you take,
6 first, objections to page 3 --

7 JUDGE MILLER: Do your four objections
8 pertain here?

9 MR. BELISLE: No, no, these are new
10 objections.

11 JUDGE MILLER: All right.

12 MR. BELISLE: The four objections are not
13 obtain here.

14 On page 3, the problems identified under
15 "National Problems" are not at all on the Issues
16 Programs List that was made available by Mr. Taylor in
17 this proceeding and, apparently, this is some sort of
18 attempt to create an Issues Programs List from the
19 programs themselves, if you know what I mean. Go look
20 at the programs and then decide what the issues were
21 and come back and create a list of problems. It's
22 backwards and it is an upgrade. And so I object to the
23 entire section labeled "National Problems".

24 JUDGE MILLER: Upgrade from what?

25 MR. BELISLE: From --

1 JUDGE MILLER: From what he exchanged?

2 MR. BELISLE: Well, from what he has
3 produced.

4 JUDGE MILLER: Yeah.

5 MR. BELISLE: Yes. He produced an Issues
6 Programs List that didn't identify any of these.

7 JUDGE MILLER: I understand that. But that
8 is what you argue the variance is?

9 MR. BELISLE: Yes.

10 JUDGE MILLER: Overruled.

11 MR. BELISLE: Okay.

12 JUDGE MILLER: Now, that doesn't mean to say
13 that you can't mark for identification a one page
14 document, JBC Exhibit whatever it happens to be,
15 present it to Mr. Taylor, and say this is the document
16 you exchanged and it contains one Issues Programs List,
17 and you can go through that, find out when that was
18 drawn up, when it was made, blah blah, blah blah blah.

19 Then you say, now, comparing that with page
20 3, we don't see a "National Problems" list, would you
21 show me the document on which the "National Problems"
22 list was used? And if he can't show you one, then you
23 are free to make an argument to me that this was a
24 later, a late development.

25 MR. CARR: Your Honor, if I might comment.

1 JUDGE MILLER: Yeah.

2 MR. CARR: I don't believe that this page 3
3 is an attempt to present a Problems Programs List as a
4 substitute for the list, the sole list that was
5 exchanged. I thought that it was explained that the
6 list of national problems, it is in the jurat, was
7 taken from the PSA's recorded in the program logs.
8 This is simply an indication that these particular
9 problems which are of a national nature were dealt with
10 in PSA's as shown in the program logs, it is nothing
11 more than that, Your Honor.

12 JUDGE MILLER: All right.

13 MR. GOLDSTEIN: The --

14 JUDGE MILLER: Well, wait. First, we have
15 got to finish with Mr. Belisle's objections, and then
16 we'll get to you, Mr. Goldstein.

17 MR. BELISLE: Mr. Carr's description of the
18 national problems is what I suspected they were.
19 Instead of being the problems ascertained, for which
20 programs were then broadcast, this is really no more
21 than an effort to go back and look at what was
22 broadcast and then say, well, we broadcast these
23 programs, so these must have been the problems, one,
24 two, three, four.

25 JUDGE MILLER: I understand, Mr. Belisle.

1 And it isn't the first time it ever happened in an FCC
2 proceeding. But -- and I understand what your position
3 is. That you can't do it, you can't go back after -- I
4 used to run into the same problem, Mr. Belisle, when
5 you would go back and reconstruct finances, how it
6 looked back then.

7 Well, that's beside -- I understand. Your
8 objection is overruled though.

9 MR. BELISLE: I do have another objection,
10 but before i make it, I want to ask a preliminary
11 question of Your Honor. This objection would be based
12 upon Mr. Taylor's testimony at his deposition. And I
13 am just asking, it is appropriate to bring in his
14 testimony or deposition as to what a particular
15 document was, what particular information was, for
16 purposes of making objection?

17 MR. CARR: I would think that would be more
18 appropriate for voir dire, Your Honor.

19 JUDGE MILLER: Well, let me say this, if you
20 have an objection based on that, I am not going to
21 prohibit you from bringing that up on voir dire when he
22 is here and then making a motion to strike based on
23 that.

24 MR. BELISLE: Okay, then I will proceed that
25 way. I do have two objections based upon his

1 deposition testimony, but I do understand it would be
2 more appropriate to make them when he can explain his
3 testimony.

4 JUDGE MILLER: All right.

5 MR. BELISLE: Confront him with it.

6 JUDGE MILLER: Mr. Goldstein. Let me ask you
7 this question first of all before you go ahead, Mr.
8 Goldstein.

9 I am going to ask you directly, Mr. Carr, why
10 shouldn't I strike this exhibit on the grounds that it
11 is vague?

12 MR. CARR: Exhibit No. 7?

13 JUDGE MILLER: Yeah.

14 MR. CARR: When you say strike the exhibit,
15 are you talking about the entire exhibit?

16 JUDGE MILLER: I am talking about the whole,
17 I am talking about A, B -- A through F.

18 MR. CARR: Your Honor, I mean I don't think
19 it is vague. He spells out the various informal
20 methods of ascertainment that the station relied on,
21 and --

22 JUDGE MILLER: But "During these meetings,
23 conversations occurred between community leaders and
24 station staffers regarding local issues and needs."
25 You know, you could spend literally three hours cross-

1 examining to find out what the meaning of that was, and
2 I don't know that at the end of three hours, if you
3 would know, if he knows.

4 Do you understand what I am saying?

5 MR. CARR: I understand that questions can
6 be, the witness can be cross-examined about the
7 sentence, Your Honor, but I think what --

8 JUDGE MILLER: No, I understood. What I am
9 saying is I don't think he can be cross-examined in any
10 meaningful manner within the time frame that is given
11 to proceedings. Good God, you could spend literally
12 hours just on that sentence. What meetings are we
13 talking about? Let's be specific. What community
14 leaders are you talking about? Name them. How about
15 station staffers? Name them. What local issues were
16 discussed? When did this happen? Where was it?

17 I mean you could go on and on and on just
18 trying to find out if this sentence has any real
19 meaning.

20 Now, I am going to tell you now, I am not
21 going to make a finding to that effect in my ID, I am
22 just not going to do it. So that is how I am alerting
23 you, by saying, you know, if you say that this is, in
24 your opinion, that this is what he wants to give me, I
25 won't strike. That's, this is wants to give me?

1 MR. CARR: Yes, Your Honor.

2 JUDGE MILLER: Okay.

3 Mr. Goldstein.

4 MR. GOLDSTEIN: I was just going to object,
5 Your Honor, the comment that there was no specificity,
6 which you have dealt with.

7 In addition, I was going to say that there is
8 nothing in here describing if there was any formal
9 process of ascertaining needs, any records of
10 discussions kept in office, any prioritizing of issues,
11 no description of how specific cited local problems
12 were indeed ascertained or when. Nor is there any
13 explanation how the national problems cited were
14 ascertained. There is also no discussion of any
15 linkages between the programs with the ascertained
16 issues, I mean how this stuff was linked together. So
17 I do have considerable difficulty with this exhibit as
18 well.

19 JUDGE MILLER: And if there ever may be a
20 real need for you to argue that Jan Davisson ought to
21 be produced, this is the exhibit upon -- I mean it's
22 true, she was mentioned in a previous one.

23 MR. GOLDSTEIN: Right.

24 JUDGE MILLER: But in this one she is a, I
25 don't know, major major prong of the A through F. She

1 is prong D.

2 MR. GOLDSTEIN: Right.

3 JUDGE MILLER: And --

4 MR. GOLDSTEIN: An explanation of the
5 processes she followed, there is nothing in there.

6 JUDGE MILLER: You have lodged an objection
7 on the grounds of vagueness, Mr. Goldstein?

8 MR. GOLDSTEIN: Yes, I have, Your Honor.

9 JUDGE MILLER: Do you have any comments, Mr.
10 Carr?

11 MR. CARR: I think I have already responded.
12 I think you have made the same objection, Your Honor.

13 JUDGE MILLER: All right. I'll overrule your
14 objection, Mr. Goldstein, with the observation that on
15 A through F, I don't know how I can write a meaningful
16 finding regarding renewal expectancy on it.

17 Also, Mr. Goldstein did bring up, he
18 mentioned several points. I don't know, for example,
19 if the clean up of Jones Creek was "interaction between
20 station staffers and local business people occurring
21 often in the course of meetings," or whether it was
22 under A, "during these meetings, conversations
23 occurred", or whether it was the subject of a telephone
24 conversation, "interaction by telephone between station
25 staffers and the listening public". I don't have the

1 faintest, I see no nexus between the problems that have
2 been ascertained and the methods that were used to
3 ascertain the problems.

4 MR. GOLDSTEIN: Your Honor, might I also
5 state that this is where I alluded earlier to the
6 question of Mr. Belisle's attempt to discuss the
7 original handwritten copy from which these local
8 problems ascertained have been reduced in Exhibit No.
9 7.

10 It intrigues me to look at the local problems
11 ascertained where it talks about something happened
12 3/22/85, then something happening the summer of '86.
13 You know, a question comes up with respect to this
14 original document from which those local problems
15 ascertained are established.

16 Did he keep a piece of paper there and
17 literally over a three year period, only find eight
18 things, or nine things or ten things to put down there
19 in writing? It makes no sense whatsoever.

20 JUDGE MILLER: I understand.

21 MR. GOLDSTEIN: And so when he has got, when
22 he has this listing, it just seems to me to be less
23 than --

24 JUDGE MILLER: Where did it come from, in
25 other words? Did it come from one document, did it

1 come from scraps of paper that were in a file?

2 MR. GOLDSTEIN: And that's why I do think
3 that, I would like to suggest that the original,
4 presumably the original, from which this typed up list
5 was extrapolated, be incorporated in this exhibit,
6 because I think it is of significant probative value.

7 JUDGE MILLER: Well.

8 MR. CARR: I think, I thought that Mr.
9 Belisle was going to offer it as an exhibit and has it
10 marked. He will, it can go in that way, Your Honor,
11 rather than try to attach it. Although I have no
12 objection to attaching it to this exhibit. Whichever.

13 MR. GOLDSTEIN: If he does, if Mr. Carr does
14 not, Your Honor, I would suggest it be attached as page
15 4.

16 JUDGE MILLER: Well, me say this. There is a
17 document outstanding, and if it is identified and
18 offered, fine, but I am not going to require, unless
19 you want to.

20 MR. GOLDSTEIN: I am asking, Mr. Carr -- what
21 I am saying, Your Honor, Mr. Carr indicated a
22 willingness to have this document that Mr. Belisle
23 shared with us, as part of his Exhibit No. 7, and I
24 think it would make life a lot easier in examination,
25 cross-examination on Exhibit 7, if we could refer to it

1 as page 4 of that exhibit. But if Mr. Carr is not
2 willing, of course, that is a different question.

3 MR. CARR: No, no, I --

4 JUDGE MILLER: Well, first of all, I note at
5 the bottom left hand side of the document that Mr.
6 Belisle exchanged, Taylor deposition, I don't know, "S"
7 or "5".

8 MR. CARR: Five, I believe.

9 JUDGE MILLER: It depends on whether, how you
10 look at it, 7/14/92, which means that evidently Mr.
11 Taylor was confronted --

12 MR. CARR: That is correct, Your Honor.

13 JUDGE MILLER: -- with this document, and
14 presumably at some stage, we found out whether that is
15 his writing, when it was prepared, was it prepared over
16 a period of time, or was it prepared at one sitting?
17 Somewhere there is information on this document.

18 MR. CARR: That is correct, there was
19 questioning at the deposition, Your Honor.

20 JUDGE MILLER: And rather than have Mr.
21 Taylor incorporate it, I think the smart way to do this
22 is just allow Mr. Belisle to use this as a cross-
23 examine, as his own exhibit.

24 MR. GOLDSTEIN: Fair enough, Your Honor.

25 JUDGE MILLER: Let's see where we are at

1 here. I have received Exhibit No. 7 subject to the
2 rulings I have made and the discussion we have had.

3 JUDGE MILLER: And as you noted, Mr. Carr, on
4 page 3, where it says "Local Problems Ascertained"

5 MR. CARR: Yes, Your Honor.

6 JUDGE MILLER: I have a big question, who
7 ascertained them? Which kind of sums up that nexus
8 problem that I have.

9 MR. CARR: Yes, Your Honor.

10 JUDGE MILLER: Do you have anything further,
11 Mr. Goldstein?

12 MR. GOLDSTEIN: Yeah. In Mr. Taylor's
13 declaration, in paragraph 1, it says in -- line one,
14 two, three, four -- line 5, it includes a list of local
15 problems ascertained which were taken from the problem
16 list in the public file.

17 JUDGE MILLER: And --

18 MR. GOLDSTEIN: We don't know of any -- and a
19 list of national problems.

20 JUDGE MILLER: And a list of national
21 problems taken from the PSA according to program logs.

22 MR. GOLDSTEIN: Yeah. I don't know, that,
23 the latter clause I can understand. But the record is
24 bereft of any Problems List in the public file.

25 JUDGE MILLER: I didn't understand what you

1 said.

2 MR. CARR: No, it's this list. He is talking
3 about this list. This was in the public file and this
4 is the list that was produced. All he is saying is
5 that this information that is appearing there was taken
6 from this list.

7 JUDGE MILLER: I want to avoid right now,
8 because it is not a matter of an evidentiary proffer.
9 I want to avoid the topic of whether that, when that
10 was put in the public file, whether it was in the
11 public file at any time when Mr. Belisle or his
12 clients, that comes, that is properly under the heading
13 of the issue I have added.

14 MR. CARR: Yes, Your Honor.

15 JUDGE MILLER: Which is one of the reasons
16 that I suggested that we, that if Mr. Taylor doesn't
17 want, didn't want to make that document part of his
18 exhibit, that that is up to him. But Mr. Belisle
19 certainly may have good reason to do so. So that we
20 get a minimum of overlap between the -- in any event.

21 MR. GOLDSTEIN: What I am saying, Your Honor,
22 is this paragraph, and that clause that I read, which
23 were taken from the Problems List in the public file,
24 have we ever established that there was a Problems
25 List?

1 JUDGE MILLER: Well, he is alleging that
2 there is, that is part of his declaration.

3 MR. GOLDSTEIN: Okay.

4 JUDGE MILLER: Now --

5 MR. GOLDSTEIN: It is assuming a fact not in
6 evidence.

7 JUDGE MILLER: That's true. But it's part of
8 his, it is not -- it is part of his declaration, part
9 of his sworn -- well, the thing that he is relying on.

10 MR. GOLDSTEIN: Okay.

11 JUDGE MILLER: And if it turns out that there
12 wasn't such a thing, he is the one who has to suffer.

13 With that, Exhibit 7 is received.

14 (The document referred to,
15 having been previously marked
16 for identification as Taylor
17 Exhibit No. 7, was received in
18 evidence.)

19 MR. CARR: Your Honor, I would like to have
20 marked as Robert B. Taylor Exhibit No. 8, a document
21 consisting of four pages and an attached declaration.
22 It now has a revised declaration. And it is entitled
23 "Public Affairs Programming," Your Honor.

24 JUDGE MILLER: The document you just
25 described, and this has an amended jurat, right?

1 MR. CARR: Yes, Your Honor, that is correct.

2 JUDGE MILLER: All right. The five page
3 document you have just described will be marked for
4 identification as Taylor Exhibit No. 8.

5 (The document referred to was
6 marked for identification as
7 Taylor Exhibit No. 8.)

8 JUDGE MILLER: Do you offer it in evidence?

9 MR. CARR: Yes, Your Honor, I do.

10 JUDGE MILLER: Objections, Mr. Belisle?

11 MR. BELISLE: Yes, Your Honor, the same
12 objections as to Exhibit No. 4, that this is a
13 comparative upgrade, that it is irrelevant, that it is
14 a variance from the renewal application and that Mr.
15 Taylor should be estopped from proffering a program
16 exhibit unrelated to his Issues Programs List. The
17 same.

18 JUDGE MILLER: Right. And overruled, and
19 again, my, the theory that I have accepted this is that
20 once the Commission's policy offers this man a chance
21 to claim a renewal expectancy, he then has a right to
22 go out and prepare exhibits based on that renewal
23 expectancy.

24 All right. Support it as best he can.

25 Anything further, Mr. Belisle?

1 MR. BELISLE: Nothing further.

2 JUDGE MILLER: Mr. Goldstein.

3 MR. GOLDSTEIN: I have a number of
4 observations on it which would be basically what we
5 have discussed previously and, that is, what happened
6 to the other months?

7 JUDGE MILLER: Right.

8 MR. GOLDSTEIN: How do we distinguish these
9 PSA's from the other PSA's? What brings these into
10 public affairs as compared to the other PSA's that were
11 discussed?

12 How were these numbers developed? On the
13 question, "60 Seconds", the second program "60 Seconds"
14 on nutrition, the source of the program, the reason the
15 program was cancelled, the "Good Health to You," what
16 was the role of the station in the presentation of the
17 program? Which was, by the way, I raised the question
18 about this earlier in the discussion of Mr. Cagney's
19 affidavit, who from the station participated, why was
20 it cancelled?

21 With respect to the the issues responsive
22 PSA's starting on page 2, what does it all really mean?
23 How do we distinguish these PSA's from the other PSA's?
24 Why limit it to these months?

25 JUDGE MILLER: Right. I have the same -- in

1 other words, your listing isn't very helpful in trying
2 to make a decision whether a man is entitled to a
3 renewal expectancy or not.

4 For example, if you look at page 3, under
5 November 1986, why would anybody want to promo a
6 hurricane? That is what it says, a hurricane promo.
7 And this is the kind of problems that I have with you
8 just merely listing something and saying to me, you
9 know, Judge, I want you to weigh that in the
10 consideration in giving me, in deciding whether I am
11 entitled to a renewal expectancy or not.

12 And that leads, in turn, to a lot of the
13 things that Mr. Goldstein brought up.

14 MR. CARR: Yes, Your Honor.

15 JUDGE MILLER: Which do not, which I am not
16 going to use as a basis for rejecting the exhibit.

17 MR. GOLDSTEIN: That is why I indicate, that
18 it just makes observations.

19 JUDGE MILLER: Yes.

20 MR. GOLDSTEIN: And then I do have an
21 observation on the letter from Elaine B. Price,
22 executive --

23 JUDGE MILLER: Of course you do. Because I
24 have an observation on that one myself. This isn't
25 addressed to Taylor. It isn't from -- it is from

1 somebody else.

2 But I have to, again, assume, Mr. Goldstein,
3 that this is his best food forward. Because, you know,
4 when you give the man a chance to claim a renewal
5 expectancy, I have a right to expect him to come in
6 fully, completely.

7 Now, it is true that you can say that this is
8 objectionable on the ground that it is not, that Mr.
9 Taylor is not directly connected with this.

10 MR. GOLDSTEIN: Well, there is a predicate,
11 is we don't know what "Make a Wish Foundation" fund-
12 raiser is. I mean someone else is giving the gift
13 certificate, so maybe we should give Mrs. Elaine B.
14 Price renewal expectancy credit for Jupiter Theater,
15 but that is not really is what in question in this
16 hearing.

17 JUDGE MILLER: I agree. But I'll overrule
18 any objection, if that is an objection, I'll overrule
19 it anyhow.

20 MR. GOLDSTEIN: Okay.

21 JUDGE MILLER: With those observations,
22 Jupiter Exhibit No. 8 is received.

23

24

25

1 (The document referred to,
2 having been previously marked
3 for identification as Taylor
4 Exhibit No. 8, was received in
5 evidence.)

6 MR. CARR: Your Honor, I would like to have
7 marked for identification Robert B. Taylor Exhibit No.
8 9.

9 JUDGE MILLER: Hold it. Exhibit No. 9 is
10 received. Yeah. Thank you.

11 JUDGE MILLER: All right. Go ahead, Mr.
12 Carr.

13 MR. CARR: Yes, Your Honor. Robert B. Taylor
14 Exhibit No. 9. It consists of one page of text and an
15 attached declaration. There is not a revised
16 declaration for this one, Your Honor.

17 JUDGE MILLER: I want the man to be able to
18 say this was prepared by me or under my direction and
19 supervision.

20 MR. CARR: Yes, Your Honor.

21 JUDGE MILLER: If it was prepared under his
22 direction and supervision, I want him to say so.

23 MR. CARR: Yes, Your Honor.

24 JUDGE MILLER: The two page document you just
25 described will be marked for identification as Taylor

1 Exhibit No. 9.

2 (The document referred to was
3 marked for identification as
4 Taylor Exhibit No. 9.)

5 JUDGE MILLER: Objections, Mr. Belisle?

6 MR. BELISLE: No, Your Honor, I have no
7 objections to Exhibit No. 9.

8 JUDGE MILLER: Mr. Goldstein.

9 MR. GOLDSTEIN: I just would point out in
10 sentence, the first line.

11 JUDGE MILLER: Right.

12 MR. GOLDSTEIN: That there is a word missing.
13 I assume that that could be filled out when Mr. Taylor
14 testifies.

15 JUDGE MILLER: The paragraph cited by JBC in
16 the December 9, 1991. What? Telegram?

17 MR. CARR: Yes, Your Honor.

18 JUDGE MILLER: Folk signal?

19 MR. CARR: Yes, Your Honor.

20 JUDGE MILLER: Letter?

21 MR. GOLDSTEIN: And then there is a problem
22 that I think JBC's Exhibit No. 4 actually enables us to
23 fill the void, but we wouldn't know from this
24 declaration what the document was. But I believe that
25 if we coupled this declaration, Exhibit No. 9, with JBC

1 Exhibit 4 at least we will have all the documentation
2 that will be necessary to make appropriate findings for
3 the record.

4 MR. CARR: Your Honor, there is a reference a
5 few sentences down to the letter of December 9, 1991.
6 So I think the missing word after December 9, 1991 is
7 "letter".

8 JUDGE MILLER: I suspected it was.

9 MR. CARR: Yes. I mean it is referenced
10 again a few sentences below. I don't remember, this
11 was --

12 JUDGE MILLER: Let me ask you a question, Mr.
13 Carr.

14 MR. CARR: Yes, Your Honor.

15 JUDGE MILLER: This was prepared under his
16 direction and supervision?

17 MR. CARR: Yes.

18 JUDGE MILLER: Who is responsible for the
19 word "business" in the sixth line? B-I-S-I-N-E-S-S.

20 MR. CARR: My typist, Your Honor.

21 JUDGE MILLER: All right.

22 MR. GOLDSTEIN: Your Honor, since this is
23 really an exhibit that is going to be under the renewal
24 expectancy issue, I don't know whether the burden was
25 on Mr. Taylor to have the relevant documents or not.